

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13195 of 2016

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Ram Ratan Kumar sn of late Tapshi Mahto Resident of Village + P.O.- Amarpur,
p.s.- Medani Chawki, District- Lakhisarai (Bihar) (Acting Headmaster, Upgraded
Middle School, Ratnupur, Surajgarha, District- Lakhisarai

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary-cum-commissioner, Department
of Human Resources, Govt. of Bihar, Patna
2. Mr. Sunil Kumar D.M. (District Magistrate) Lakhisarai District
3. Mr. Shyam Babu Ram, D.P.O. (District Programme Officer (Establishmant),
Lakhisarai District
4. Mr. Triloki Singh, D.E.O. (District Education Officer), District- Lakhisarai
5. Arun Kumar Singh S/o late Krishna Nand Singh Resident of Village + P.O.- Ali
Nagar, P.S.- Surajgarha, District- Lakhisarai (At Present Assistant Teacher
Upgraded Middle School, Ratnupur, Surajgarha Lakhisarai)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Navin Kumar, Adv.
For the Respondent/s : Mr. Madhaw Prasad Yadav, GP23
For respondent no.5 : Mr. Avanindra Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 29-09-2016

Petitioner is facing a piquant situation. In the school where
he was Acting Headmaster by virtue of being senior most teacher in
that school, a junior Assistant Teacher has now been brought on his
head as a full-fledged Headmaster. The discomfort being faced by the
petitioner is obvious.

Petitioner has filed present writ application for a direction
upon the respondents to grant him promotion on the post of
Headmaster and not allow the junior to sit on his head.

From a deeper look into the factual and legal aspect it



emerges that the petitioner has not earned substantive promotion on the post of Headmaster. The reasons are there which are not required to be taken note of because those issues will be dealt with by the competent authority when the question of regular promotion on the post of Headmaster will arise in the case of the petitioner.

Private respondent has appeared and filed counter affidavit. He has been given substantive promotion on the post of Headmaster. Since the authorities did not want to disturb the petitioner by moving him out to another institution, he by virtue of the order of promotion does acquire a legal right to work as a full-fledged Headmaster of the school. As of today the private respondent would be senior on the promoted post vis-à-vis present petitioner.

Private respondent, therefore, cannot be restrained from performing his responsibility as a Headmaster.

So far as the petitioner is concerned, he has two options either to work under the private respondent till he earns his promotion as a Headmaster and moves to another school or if he feels too uncomfortable with the issue of seniority or juniority then he can also ask for transfer from the said school by moving the authority. No relief, as such, can be granted judicially for the discomfort which the petitioner is feeling at this juncture.

So far as issue of promotion is concerned, the petitioner has

liberty to move the authorities for demanding such a relief.

Writ application is disposed of with the above observation.

(Ajay Kumar Tripathi, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.9.2016
Transmission Date	NA